



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,378	01/16/2001	Teiji Mizutani	892_014	5329
25191	7590	07/02/2008	EXAMINER	
BURR & BROWN PO BOX 7068 SYRACUSE, NY 13261-7068			DURAN, ARTHUR D	
			ART UNIT	PAPER NUMBER
			3622	
			MAIL DATE	DELIVERY MODE
			07/02/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/761,378	Applicant(s) MIZUTANI, TEIJI	
	Examiner Arthur Duran	Art Unit 3622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,8 and 12-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,8 and 12-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 2, 8, 12-14 have been examined.

Response to Amendment

The Amendment filed on 4/23/08 is insufficient to overcome the prior rejection.

Election/Restrictions

Affirmation of the Restriction is acknowledged.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 8, 12, 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggio (6,606,745) in view of Gardenswartz (6,055,573) in view of [Dedrick (5,724,521) OR Perkowski (2004/0153378)].

Claims 2, 8, 12, 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maggio (6,606,745) in view of Gardenswartz (6,055,573) in further view of [Goldhaber (5,794,210) OR Gerace (5,848,396)].

Claims 12, 13:

Maggio discloses initiating contact with prospective customers via an unsolicited advertisement, controlling notice of prize or award information, registering attributes of

applicant's for prize information, creating content data in accordance with attributes of the applicant information, transmitting the content data to the user (Fig. 2).

Maggio further discloses targeting a user based on information known on a user and providing attained user information for the purposes of targeting a user and also registering a user in order to attain user related information:

“Targeted advertising focuses on delivering specific, personalized advertising to the Consumers that meet a demographic profile specified by the Advertisers. Mass media advertising is usually less expensive per impression than targeted advertising. However, targeted advertising is usually more effective, and has become less expensive per impression as technology has progressed. As a result, the effectiveness of mass media advertising has been questioned (col 2, lines 10-18);

(16) The Promoters can sell the CRAV Ads to the Advertisers. The Promoters or the Advertisers can use the Broadcast Network to promote future CRAV Ads. The Promoters can use the Broadcast Network, the Device, the Information Gathering System, and the Data Storage Center to communicate the CRAV Ads to the Consumers and to interact with the Consumers. The Promoters or the Advertisers can use the Device, the Information Gathering System, and the Data Storage Center to gather the Consumers' responses to the CRAV Ads. The Promoters can edit and/or distribute the registration and response information to the Advertiser or other interested third parties. The Promoters can select the winners and distribute the prizes (col 3, lines 12-25);

(38) In another exemplary embodiment for registration, the Promoters may wish

Art Unit: 3622

to obtain ID information, product-related information, or public opinion-related information.

The demographic profile of each Consumer 110 may include age, sex, race, weight, height, zip code, physical home or e-mail address, occupation, individual annual earning, educational background, political affiliation, religious affiliation, family size, number of TVs and computers, Advertiser-related or public opinion survey questions, and prior CRAV Ad answers (historical response information). A detailed registration may be required for each CRAV Ad. However, gathering this information for each CRAV Ad makes the registration process time-consuming, costly, and redundant, and may deter the Consumers 110 from submitting a response. Thus, a one-time registration process is also available. In this mode, only changed/updated demographic or ID information (such as a change in marital status, phone number, etc.) is added for each CRAV Ad response after the original registration. Under this scenario, the original registration information is stored in the PDC 197. As new responses or update information are transmitted to the Data Storage Center 195, the Data Storage Center 195 is updated (col 10, lines 40-62).

(39) In another alternative embodiment for registration, when only one registration is used (as described above), the Advertisers may have the Consumers 110 with existing CRAV IDs enter additional demographic information to be qualified for the rewards. In this case, new "response" information is added for each additional CRAV Ad response after the original registration. Under this scenario, the original registration information would be stored in the DCS 196, and as new responses are transmitted to the Data Storage Center

195, the Data Storage Center 195 would be added to the registration information. The CRAV ID would be required before allowing additions to CRAV Ad records” (col 10, line 62-col 11, line 5).

Maggion does not explicitly disclose how the known information can concerning a user can be used for targeted content towards a user.

However, Gardenswartz further discloses utilizing prizes to incite certain user behavior:

“(53) One type of targeted advertisement that can be delivered in step 82 is a value contract. The value contract is a promotional incentive in which the consumer is offered a reward for complying with a particular behavioral pattern such as a predefined change in behavior or the continuance of an established behavior. Any type of reward may be offered. The reward may be "points" which may correspond to, or be redeemed for, cash, cash equivalents, frequent flier miles, minutes of long distance time, minutes of Internet service provider time, coupons, discounts, prizes, or free products, for example” (col 14, lines 50-60).

Gardenswartz discloses determining user preferences including brand or product type/category and also registering a user:

“(35) In step 60, the consumer's Web browser jumps to a registration Web page served by the registration server 14. Then, in step 62, the consumer registers online with the registration server 14 and, in the process, provides the registration server 14 with information, including an identifier found in the master record 30 (e.g., the consumer's CID). The consumer may supply the registration server 14 with information about the consumer to generate an

Art Unit: 3622

online profile for the consumer. The online profile may include information such as the consumer's name CID, e-mail address, product/brand preferences, demographic information, work address, home address, whether the consumer has any babies, and whether the consumer has any pets such as a cat, dog, bird, or fish. Preferably, the online profile includes at least one item of information that is stored (or is to be stored) in the purchase history database 8" (col 11, lines 35-51).

Gardenswartz discloses targeting a user based on the information attained about a user:

"(43) In step 74, the analytics unit 16 sends to the registration server targeted ad profiles for each consumer identified in step 68. Each of the targeted ad profiles includes the consumer's CID and the purchase behavior classification(s) corresponding to that CID. The targeted ad profiles may be stored in a table such as an array or table of records, linked lists, or other suitable data structure" (col 13, lines 5-11).

Gardenswartz discloses utilizing information known about commercial articles for matching what content or content type or commercial article or commercial article type to send to a particular user:

"(19) The targeted ad profile 446 includes three fields, 449a, 449b, and 449c, for three purchase behavior classifications: Brand Z loyalty, Heavy Snacker, and Healthy Household, respectively. Each purchase behavior classification may be given any score (e.g., an integer), a describer (e.g., "Brand Z loyalist" or "Heavy Brand Z User"), flag ("1" or "0"), or rank (e.g.,

"50.sup.th out of 50,000) that the consumer has received based on selected purchase behavior criteria which are discussed below with reference to FIG. 8 (col 9, lines 5-15);

(39) For example, the criterion for a class of "heavy Brand Z drinkers" may be defined as any consumer who has purchased Brand Z at least twice a year in the last month. As another example, the criterion for a class of "Brand Z loyalists" may be defined as any consumer who has purchased Brand Z at least once a month for the last nine months. Regardless of how different criteria are determined, the criteria are preferably based on information derived from marketing research. The purchase behavior criteria do not necessarily have to originate from the advertiser's server 18, but may originate from any suitable remote device such as the computer 26, the Web server 24, and/or the registration server 18" (col 12, lines 42-56).

Gardenswartz further discloses that second additional content data based on applicant information that allows a user to access other sets of content data:

“(34) Thus, a cookie can be assigned when a first Web page provided by the advertiser's server 18 is requested by the first computer 10. The first Web page can contain a link to a second Web page provided by the registration server 14. When the consumer selects the link to the second Web page, the cookie number can be placed in the URL statement for the second Web page, and thus sent to the registration server 14 (col 11, lines 27-35);

(9) Since cookies are also used to track a consumer's online activity, a Web server can deliver targeted advertisements to a consumer's Web browser, based on the consumer's online activity. For example, if a cookie tracks the various IP addresses accessed by the consumer's computer, the Web server can deliver ad banners to the consumer's Web browser based on the

IP addresses the Web browser has accessed. Thus, the cookie can be used to record the online activity of a consumer, and information regarding the consumer's tastes and tendencies can be inferred from the consumer's online activity. Using this inference, an advertiser can try to target specific advertisements to specific computer consumers, based on the record of the computer consumers' online activities. That is, the advertiser can try to expose the computer consumers to advertisements designed to appeal to their particular tastes and interests;

(10) The targeted advertisement can be implemented in several manners. For example, the advertiser can generate Internet banners that contain targeted ads and are visible to the consumer when the consumer accesses the advertiser's server, and/or the advertiser can automatically generate e-mail messages and send them to the consumer if the advertiser has the consumer's e-mail address" (col 2, lines 20-42).

Examiner takes Official Notice that it is old and well known that a banner or banner advertisement is an advertisement on a Web page that contains a link to the advertiser's Web site. Also, the Microsoft Press Computer Dictionary 3rd Edition states that a banner or banner advertisement is an advertisement on a Web page that contains a link to the advertiser's Web site.

Hence, notice in the above citations from Gardenswartz that Gardenswartz's providing of banner advertisements with links to further information where the banners and further information are provided to the user because of information known about the user is equivalent to providing second sets of data wherein the content contains a piece of information for accessing other sets of content. Gardenswartz's banner

provides a link that is a piece of information for accessing other or additional content data.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's further features for utilizing of user information in order to target a user to Maggio's collecting of information on a user for targeting a user. One would have been motivated to do this in order to make better use of the information collected in order to better target a user.

Additionally, Maggio and Gardenswartz disclose that the first content data-creating module creates content data based on the attributes of the applicants in the applicant information.

Maggio discloses collecting user attribute/ demographic information as part of the applicant information:

"Registration

(37) Registration information may include a variety of data. In one exemplary embodiment, the Promoters do not want to use demographic information and simply seek to identify the Consumers 110 for tracking and prize awarding purposes. The Consumers 110 are thus asked to provide simple information where they may be reached and identified if selected as a winner. This information may include a phone number, a social security number (or portion thereof), a birthday, a name, and an address. After providing the registration information, the Consumers 110 are provided with a unique "CRAV ID". This number may be a randomly generated unique number, or an easily remembered

number or a series of numbers (such as a birthday and phone number combination), which may also provide ID information within the number.

(38) In another exemplary embodiment for registration, the Promoters may wish to obtain ID information, product-related information, or public opinion-related information. The demographic profile of each Consumer 110 may include age, sex, race, weight, height, zip code, physical home or e-mail address, occupation, individual annual earning, educational background, political affiliation, religious affiliation, family size, number of TVs and computers, Advertiser-related or public opinion survey questions, and prior CRAV Ad answers (historical response information). A detailed registration may be required for each CRAV Ad. However, gathering this information for each CRAV Ad makes the registration process time-consuming, costly, and redundant, and may deter the Consumers 110 from submitting a response. Thus, a one-time registration process is also available. In this mode, only changed/updated demographic or ID information (such as a change in marital status, phone number, etc.) is added for each CRAV Ad response after the original registration. Under this scenario, the original registration information is stored in the PDC 197. As new responses or update information are transmitted to the Data Storage Center 195, the Data Storage Center 195 is updated.

(39) In another alternative embodiment for registration, when only one registration is used (as described above), the Advertisers may have the Consumers 110 with existing CRAV IDs enter additional demographic information

Art Unit: 3622

to be qualified for the rewards. In this case, new "response" information is added for each additional CRAV Ad response after the original registration. Under this scenario, the original registration information would be stored in the DCS 196, and as new responses are transmitted to the Data Storage Center 195, the Data Storage Center 195 would be added to the registration information. The CRAV ID would be required before allowing additions to CRAV Ad records" (col 10, line 25-col 11, line 10).

Maggio further discloses that user attribute/demographic information can be used to target users with particular content:

“(8) Advertising can be divided into two classes: mass media advertising and targeted advertising. Mass media advertising (i.e., broadcast TV, radio, and magazine) sends broadly based advertising messages to a wide spectrum of the Consumers. Targeted advertising focuses on delivering specific, personalized advertising to the Consumers that meet a demographic profile specified by the Advertisers. Mass media advertising is usually less expensive per impression than targeted advertising. However, targeted advertising is usually more effective, and has become less expensive per impression as technology has progressed. As a result, the effectiveness of mass media advertising has been questioned” (col 2, lines 5-19).

Also, Gardenswartz discloses collecting user attribute/ demographic information as part of the applicant information:

“(35) In step 60, the consumer's Web browser jumps to a registration Web page

Art Unit: 3622

served by the registration server 14. Then, in step 62, the consumer registers online with the registration server 14 and, in the process, provides the registration server 14 with information, including an identifier found in the master record 30 (e.g., the consumer's CID). The consumer may supply the registration server 14 with information about the consumer to generate an online profile for the consumer. The online profile may include information such as the consumer's name CID, e-mail address, product/brand preferences, demographic information, work address, home address, whether the consumer has any babies, and whether the consumer has any pets such as a cat, dog, bird, or fish. Preferably, the online profile includes at least one item of information that is stored (or is to be stored) in the purchase history database 8. While referred to as an online profile, the profile may be generated or obtained on an offline basis, such as by filling out a card in a grocery store, for example. Other forms of registration may include a consumer entering registration information at a kiosk in the grocery store after scanning the bar code or alternatively swiping the magnetic strip of his or her shopper loyalty card through a magnetic strip reading device. The profile preferably includes information of how to transmit by computer information to the consumer, such as the consumer's e-mail address, IP (Internet protocol) address, or any information which may be used to electronically send information to the consumer, including, for example, through a paging device or a portable computer (col 11, liens 35-65).

Gardenswartz further discloses that user attribute/demographic information can be used to target users with particular content:

“(49) In step 80, the advertiser's server 18 matches the cookie number received from the first computer 10 to the modified targeted ad profile associated with the cookie number. Then, in step 80, the advertiser's server 18 delivers an advertisement to the first computer 10 based on at least one of the purchase behavior classifications stored in the targeted ad profile. In addition to the advertiser's server 18, any host computer or server (for example, Web servers 22, 24, the registration server 14, and/or computers 26, 28) having a domain name within the requisite range defined by the cookie may be programmed to perform steps 78 through 82 (col 13, line 60-col 14, line 5).

(66) When used as a targeted advertisement, the value contract provides an efficient way to deliver promotional incentives to consumers for whom the promotional incentives will be more meaningful. That is, consumers who already demonstrate desirable purchase behavior, based on their respective master record and/or targeted ad profiles, can be provided with different offers and incentives than consumers who demonstrate purchase behavior which an advertiser wishes to change” (col 17, lines 45-55).

Notice in Gardenswartz that a variety of information including user attribute and demographic information can be collected as part of the applicant/registrant's information and that all of this information can make up a user's profile. And, notice in Gardenswartz that the user's profile can be utilized for sending particular content to a user.

Hence, Maggio and Gardenswartz disclose that the first content data-creating module creates content data based on the attributes of the applicants in the applicant information.

Additionally, Maggio and Gardenswartz render obvious that targeted advertisements are created for every combination of attributes in the applicant information and then e-mailed to the applicant.

Maggio further discloses collecting user e-mail information:

“(38) In another exemplary embodiment for registration, the Promoters may wish to obtain ID information, product-related information, or public opinion-related information. The demographic profile of each Consumer 110 may include age, sex, race, weight, height, zip code, physical home or e-mail address, occupation, individual annual earning, educational background, political affiliation, religious affiliation, family size, number of TVs and computers, Advertiser-related or public opinion survey questions, and prior CRAV Ad answers (historical response information”) (col 10, lines 40-50).

Maggio further discloses utilizing e-mail to send advertising/promotions to the user:

“(66) FIG. 15 is a picture flow diagram illustrating an exemplary CRAV Ad process for ABS and ACME to promote future CRAV Ads, as set forth in step 1210 of FIG. 12. In step 1501, the process 1210 is initiated at the "START" button 1501. In step 1505, ABS and ACME elect to promote and give advanced notice of the CRAV Ads. In step 1510, ABS chooses to promote the CRAV Ads on TV, the Internet 130, email, and TV guide, and ACME chooses to promote the CRAV Ads on

the Internet 130, email, and cable TV. As set forth in step 1515, during the weeks before the broadcast, ABS promotes the upcoming "CRAV/ACME New Car Giveaway" promotion on its own ABS network. ABS also purchases TV guide magazine ads, posts information on the ABS Web site, and sends out information to its email lists. Also promoting the CRAV Ads are ACME's own banners on its Web site and email notification to its 3.5 million subscribers. ACME also advertises on the HiTechTV cable channel network (col 16, lines 11-30);

[Claim] 39. The system of claim 38, wherein the advertisements are communicated to the mass audience via an electronic mail message carried by the distributed computer network;

[Claim] 41. The system of claim 40, wherein the alert is communicated to the mass audience via an electronic mail message carried by the distributed computer network;

[Claim] 42. The system of claim 41, wherein the advertisements are communicated to the mass audience via an electronic mail message carried by the distributed computer network.”

Maggio further discloses that it is old and well known that advertising can be targeted (from the “Background of the Invention” section):

“(8) Advertising can be divided into two classes: mass media advertising and targeted advertising. Mass media advertising (i.e., broadcast TV, radio, and magazine) sends broadly based advertising messages to a wide spectrum of the Consumers. Targeted advertising focuses on delivering specific, personalized

advertising to the Consumers that meet a demographic profile specified by the Advertisers. Mass media advertising is usually less expensive per impression than targeted advertising. However, targeted advertising is usually more effective, and has become less expensive per impression as technology has progressed. As a result, the effectiveness of mass media advertising has been questioned” (col 2, lines 5-19).

Note that Maggio discloses that unique advertising can be sent for every demographic profile that the advertiser specifies:

“Targeted advertising focuses on delivering specific, personalized advertising to the Consumers that meet a demographic profile specified by the Advertisers”(col 2, lines 5-19).

And, note that there is no limit in Maggio on how many different types of profiles, each of which are a combination of attributes, that the advertiser can specify are to each receive a specific advertisement.

Gardenswartz further discloses sending targeted advertising via e-mail:

“(10) The targeted advertisement can be implemented in several manners. For example, the advertiser can generate Internet banners that contain targeted ads and are visible to the consumer when the consumer accesses the advertiser's server, and/or the advertiser can automatically generate e-mail messages and send them to the consumer if the advertiser has the consumer's e-mail address (col 2, lines 35-42);

(10)...Different types of targeted advertisements, include Internet banners, real time moving videos, video information, animation

information, audio information, online interstitial advertisements, electronic mailings (e-mails), interactive television advertisements, and any other type of message, recording, and/or display (col 7, lines 18-25);

(53). . . The registration server 14 (or any other suitable server) may be programmed to serve customized Web pages to consumers's computers. Such customized Web pages may display such information as a consumer's accumulated points and the various prizes, rewards, etc. that can be "purchased" with the points. The reward may also be an e-mail message with a password for a Web page full of coupons and customized according to the consumer's observed offline purchase history, for example. The e-mail may also have a link that the consumer can select to start the Internet software on his or her computer and request a customized Web page of coupons" (col 14, line 60-col 15, line 5).

Gardenswartz further discloses advertisements targeted to a particular users tastes and interests:

"(9). . . That is, the advertiser can try to expose the computer consumers to advertisements designed to appeal to their particular tastes and interests" (col 2, lines 30-35).

Gardenswartz further discloses a specific ad sent to a specific combination of attributes of users or specific ads sent to specific classifications of users which are based on combinations of attributes of users (Figures 4a, 5, 7, 8, 9, and 11). Also, note in Gardenswartz that there is not a limit as to how many classifications can be specified.

Hence, both Maggio and Gardenswartz disclose that one to many different types of attribute combinations can each have a specific targeted advertisement specified/created for it.

Hence, the combination of Maggio and Gardenswartz renders obvious the features of the Applicant's claims.

Additionally, Maggio does not explicitly disclose that article or commercial article information is collected from sites on the Internet can be presented to the user.

Or, Maggio does not explicitly disclose that an article information acquiring module periodically accesses predetermined information sites to acquire said content data [and] wherein said content data is acquired by periodically accessing predetermined information sites, Or

acquiring article information on the basis of an applicant's registered attributes, creates

data content for an applicant on the basis of an applicant's registered attributes, and sends an e-mail to the applicant's registered e-mail address containing relevant data content (acquired article information).

However, Maggio further discloses that a variety of content can be presented to the user (col 14, lines 50-65) and Maggio discloses that targeted content that is collected can be presented to the user (see rejection above).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that article or commercial article information that is collected from sites on the Internet can be presented to the user can be performed by Maggio. One would have been motivated to do this in order to better present content of interest to the user.

Alternatively, Goldhaber discloses wherein an article information acquiring module periodically accesses predetermined information sites to acquire said content data [and] wherein said content data is acquired by periodically accessing predetermined information sites, Or

acquiring article information on the basis of an applicant's registered attributes, creates

data content for an applicant on the basis of an applicant's registered attributes, and utilizes e-mail; and sends the relevant data content (acquired article information) (Abstract; Figures 7, 9, 10, 11, 14; col 5, lines 5-25; col 18, lines 5-12; col 19, lines 35- col 20, line 6; col 6, lines 10-20; col 13, lines 10-15).

Alternatively, Gerace discloses wherein an article information acquiring module periodically accesses predetermined information sites to acquire said content data [and] wherein said content data is acquired by periodically accessing predetermined information sites, Or

acquiring article information on the basis of an applicant's registered attributes, creates

data content for an applicant on the basis of an applicant's registered attributes, and sends an e-mail to the applicant's registered e-mail address containing relevant data content (acquired article information) (Fig. 2; Fig. 3a; Fig. 4a; col 10, lines 35-53).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Goldhaber's OR Gerac'es article or commercial article information that is collected from sites on the Internet and presented to the user

can be added to Maggio. One would have been motivated to do this in order to better present content of interest to the user.

Additionally, in regards to the claim amendments for claims 12 and 13 dated 5/7/2007, Maggio discloses sending information to the user based on the profile, preferences, or favorites of the user (Figure 16; col 16, line 40-col 17, line 10; Figures 1 and 2; col 2, lines 5-20. Notice that Maggio tracks "Favorite Network" in Figure 16). Maggio discloses that this information on profile, preferences, or favorites of the user can be collected both actively through questions/surveys (Figure 16, Identification Information and Demographic Information) and passively thru user tracking (Figure 16, Historical Response Information).

Also, in regards to the addition of the "car" or automobile as a favorite item of the user, Examiner notes that the car is non-functional descriptive material in the Applicant's claims. Please see MPEP 2106.01 and 2106.01.II. Note that it does not matter to the function of the claim whether favorite cars or favorite shoe are tracked. Rather, favorite or preferred items/goods/services are tracked.

And, Maggio discloses that goods and services can be tracked (col 1, lines 62-67; col 2, lines 55-62). And, Maggio discloses that car related information can be tracked or promoted (Fig. 16; col 16, lines 20-25; col 16, lines 55-60; col 17, line 35-col 18, line 5; col 20, lines 5-20).

Therefore, it is obvious that Maggio's tracking of user favorites and preferences related to goods/items/services can also include the cars. One would be motivated to

do this to better promote the sales of goods/services/items such as the cars that Maggio discloses the user's are already interested in.

Also, Goldhaber discloses tracking user favorites including favorite or preferred cars (col 6, lines 55-61; col 17, line 63-col 18, line 12; col 19, line 35-col 20, line 7).

Additionally, Maggio discloses that the piece of information for accessing said other sets of content data contains identification of the applicant (Figure 16). Note in Figure 16 that Maggio can utilize e-mail or other identifiers as identification information for the user. And, Maggio can access the historical response information for a user. Hence, Maggio can utilize any of the identifications of the user, including e-mail, to access the other content that the user has been presented and also content data that is to be presented to the user. Also, note that the e-mail address of the user is sent with the content data that is sent to the user via e-mail. Also, Maggio discloses that the content data can be sent via e-mail (Fig. 15; col 16, lines 15-25).

Maggio does not explicitly disclose that the identification data is integrated with the piece of information.

And, Applicant's page 14 states that the id can be a number which is part of a URL that is presented to the user. Also, The "piece of information" and identification were read in light of Applicant's Specification and particularly in light of Applicant's Figure 6 and Figure 7. These Figures disclose the identification data of applicant as being part of a URL. And, the prior art renders obvious that the identification data is part of a URL which can be emailed.

However, Maggio discloses sending a webpage to the user based on the user's id (Figure 19; col 18, line 5-col 19, line 22).

And, Gardenswartz discloses linking a web browser, a customer id, and a cookie (Fig. 3; col 8, lines 45-50; col 8, lines 31-55); placing a cookie number in a URL (col 11, lines 23-35; Fig. 7); and that the cookie number is linked to the customer id for the user (col 11, line 65-col 12, line 10; Fig. 7). Hence, Gardenswartz's cookie number can be used to identify the user. And, Gardenswartz places a cookie that is linked to customer id in the URL that is presented. Hence, Gardenswartz integrates the identification information of the user with the piece of information..

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's identification data is integrated with the piece of information to Maggio's tracking the user, tracking what is presented to the user, and presenting Internet content to the user. One would have been motivated to do this in order to better track what is presented to the user.

Also, Maggio discloses that the content data can be sent via e-mail (Fig. 15; col 16, lines 15-25).

Also, note that Magggio discloses that the registration/identification number of a user can be used to access further information on a user (Fig. 16, "identification information"; Fig. 19 item 1905, Fig. 20, item 2005). Also, Gardenswartz further discloses that the registration/identification number of a user can be used to access further information on a user (Fig. 2a, 3, 4,9).

Hence, the prior art teaches or suggests integrating the ID data of the applicant with the piece of information as a management registration number for reading a corresponding record from the applicant information storage module.

Additionally, the prior art renders obvious that predetermined information sites store commercial article information in a predetermined external storage that the article information acquiring module accesses to acquire the commercial article information. The prior art also renders obvious acquiring commercial article information by the article information acquiring module periodically accessing predetermined information sites.

Maggio discloses a variety of networks and network hubs (Figures 9b, 10); that there are numerous information gathering systems (Figure 1, item 191; col 7, lines 35-62); that there are a wide variety of media with varying content (col 1, lines 20-37; col 14, line 50-col 15, line 7). Maggio further discloses numerous Promoters and Advertisers and also numerous service providers and also third parties (Figure 1 and throughout the specification).

Maggio does not explicitly disclose predetermined information sites store commercial article information in a predetermined external storage that the article information acquiring module accesses to acquire the commercial article information, or doing so periodically.

However, Dedrick (5,724,521) discloses these features. Dedrick discloses locating numerous content or ad pieces about an item of interest from a variety of different sources (col 9, line 65-col 10, line 45; Figure 1). Dedrick further discloses

utilizing e-mail (col 1, lines 15-21). Dedrick further discloses periodically updating information (col 15, lines 45-65).

Alternatively/OR, Perkowski (2004/0153378) discloses these features.

Perkowski discloses a collection of a wide variety of information on a product/item ([24,607]). Perkowski further discloses periodically updating the information ([153,157]).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made that Maggio's information on a product/item can be obtained from a variety of sources and pulled together. One would have been motivated to do this in order to better provide information of relevance to the consumer.

Also, Examiner notes that the "piece of information" and identification were read in light of Applicant's Specification and particularly in light of Applicant's Figure 6 and Figure 7. These Figures disclose the identification data of applicant as being part of a URL. Hence, the prior art renders obvious that the identification data is part of a URL which can be emailed. Also, Maggio discloses that the content data can be sent via e-mail (Fig. 15; col 16, lines 15-25). Also, please see the addressing of these features in the rejection of the independent claims preceding.

Claims 2, 8: The combination of the prior art discloses the above. Additionally, Maggio further discloses an application accept module for receiving the applicant information on the attributes of the applicants (Figures 16, 19, 20), and accepting the applications for the prize information (Figures 19, 20).

Claim 14: Maggio discloses both traditional content media and Internet content media. (col 1, line 15-col 2, line 25). Hence, it is obvious that content can be entered into a database.

Response to Arguments

3. Applicant's arguments with respect to the claims have been considered but are not found persuasive. Examiner notes the following.

On page 9 of the Applicant's Remarks dated 4/23/2008, Applicant states, "neither Maggio nor Gardenswartz teaches or suggests integrating the ID data of the applicant with the piece of information as a management registration number for reading a corresponding record from the applicant information storage module, as is claimed. For example, the specification discloses...(see at page 14).

Examiner notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In interpreting claim language, the broadest reasonable meaning of the words in their ordinary usage as they would be understood by one of ordinary skill in the art is applied, taking into account whatever enlightenment by way of definitions or otherwise that may be afforded by the written description. See *In re Morris'*, 127 F.3d 1048, 1054 (Fed. Cir. 1997). See also *In ream. Acad. of Sci. Tech. Ctr.*, 367 F.3d 1359, 1364 (Fed. Cir. 2004) and *In re Sneed*, 710 F.2d 1544, 1548 (Fed. Cir. 1983). Claims are given their broadest reasonable construction. See *In re Hyatt*, 211 F.3d 1367, 54 USPQ2d 1664 (Fed. Cir. 2000). It is

Appellant's burden to precisely define the invention. See *In re Morris*, 127 F.3d 1048, 1056 (Fed. Cir. 1997).

And, Applicant's page 14 states that the id can be a number which is part of a URL that is presented to the user. Also, The "piece of information" and identification were read in light of Applicant's Specification and particularly in light of Applicant's Figure 6 and Figure 7. These Figures disclose the identification data of applicant as being part of a URL. And, the prior art renders obvious that the identification data is part of a URL which can be emailed.

Maggio does not explicitly disclose that the identification data is integrated with the piece of information.

However, Maggio discloses sending a webpage to the user based on the user's id (Figure 19; col 18, line 5-col 19, line 22).

And, Gardenswartz discloses linking a web browser, a customer id, and a cookie (Fig. 3; col 8, lines 45-50; col 8, lines 31-55); placing a cookie number in a URL (col 11, lines 23-35; Fig. 7); and that the cookie number is linked to the customer id for the user (col 11, line 65-col 12, line 10; Fig. 7). Hence, Gardenswartz's cookie number can be used to identify the user. And, Gardenswartz places a cookie that is linked to customer id in the URL that is presented. Hence, Gardenswartz integrates the identification information of the user with the piece of information..

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gardenswartz's identification data is integrated with the piece of information to Maggio's tracking the user, tracking what is presented to

the user, and presenting Internet content to the user. One would have been motivated to do this in order to better track what is presented to the user.

Also, Maggio discloses that the content data can be sent via e-mail (Fig. 15; col 16, lines 15-25).

Also, note that Magggio discloses that the registration/identification number of a user can be used to access further information on a user (Fig. 16, "identification information"; Fig. 19 item 1905, Fig. 20, item 2005). Also, Gardenswartz further discloses that the registration/identification number of a user can be used to access further information on a user (Fig. 2a, 3, 4,9).

Hence, the combination of the prior art renders obvious the features of the Applicant's Claims.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to. Also, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Examiner notes that "Section 103 forbids issuance of a patent when 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.'" *KSR Int'l Co. v. TeleflexInc.*, 127 S.Ct. 1727, 1734 (2007).

When there is a design need or market pressure to solve a problem and there are a finite number of identified, predictable solutions, a person of ordinary skill has good reason to pursue the known options within his or her technical grasp. If this leads to the anticipated success, it is likely the product not of innovation but of ordinary skill and common sense. In that instance the fact that a combination was obvious to try might show that it was obvious under §103.

If a person of ordinary skill in the art can implement a predictable variation, and would see the benefit of doing so, §103 likely bars its patentability. Moreover, if a technique has been used to improve one device, and a person of ordinary skill in the art would recognize that it would improve similar devices in the same way, using the technique is obvious unless its actual application is beyond that person's skill. *KSR Int'l Co. v. Teleflex, Inc.*, No 04-1350 (U.S. Apr. 30, 2007).

Also, KSR states that "the combination of familiar elements according to known methods is likely to be obvious when it does no more than yield predictable results." *KSR*, 127 S.Ct. at 1739 and 1741, 82 USPQ2d at 1396.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arthur Duran whose telephone number is (571)272-6718. The examiner can normally be reached on Mon- Fri, 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number: 09/761,378
Art Unit: 3622

Page 30

Arthur Duran
Primary Examiner
Art Unit 3622

/Arthur Duran/
Primary Examiner, Art Unit 3622
6/30/2008